

# Exhibit 5

No. D054989

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**IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT, DIVISION ONE**

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VICTOR E. WILLIS

*Petitioner,*

v.

SIXUVUS, LTD

*Respondent.*

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Appeal from the Superior Court for San Diego County  
Honorable John S. Meyer  
Case No. 37-2008-0098508-CU-BT-CTL

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**APPELLANT'S APPENDIX IN LIEU OF CLERK'S TRANSCRIPT  
(VOL. 1—Pages 1-292)**

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F I L E D  
Clerk of the Superior Court

DEC 30 2008

SC By: P. WOODS, Deputy

FILED

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SAN DIEGO – CENTRAL DIVISION

10  
11 SIXUVUS, Ltd., a New York limited liability  
company,

12 Plaintiff,

13 v.

14 VICTOR WILLIS, an individual;

15 Defendant.

16 Case No. 37-2008-98508-CU-BT-CTL

17 **DECLARATION OF HENRI BELOLO IN  
SUPPORT OF PLAINTIFF'S EX PARTE  
APPLICATION FOR TEMPORARY  
RESTRANING ORDER AND ORDER  
TO SHOW CAUSE RE: PRELIMINARY  
INJUNCTION**

18 Date: December 31, 2008

Time: 9:00 a.m.

Judge: Hon. Ronald L. Styn

Dept.: 62

19 I, Henri Belolo, declare and state as follows:

20 1. I am the managing director of Can't Stop Productions, Inc. ("CSP"). I have personal  
21 knowledge of the matters set forth herein and, if called as a witness, could and would testify  
22 competently to the following.

23 2. In the late 1970's, CSP formed a singing and performing act called the Village People  
24 comprised of six performers representing various American social and professional groups.

25 3. CSP is the worldwide owner of the mark the "Village People," as well as of the  
26 distinctive characters who are portrayed as part of the group which performs under that name.

27 4. Victor Willis, the defendant in this action, was retained by CSP as a contract performer  
28 in 1977 to perform with the Village People. Victor Willis signed a contract with CSP dated June 17,

1977. A true and accurate copy of the June 17, 1977 Agreement is attached hereto as Exhibit A.

5. In Paragraph 4 of the June 17, 1977 Agreement, Victor Willis granted CSP and its licensees the unrestricted right to use his:

name, likeness and biographical material in connection with the manufacture, distribution, sale, promotion and exploitation of each such Album as aforesaid and you hereby acknowledge and agree that you shall have no rights of any nature whatsoever in and to the name "VILLAGE PEOPLE" or any name similar thereto in connection with the entertainment industry.

6. On October 14, 1977, CSP and Victor Willis entered into another contract that engaged his services as a performer and musician in motion pictures, filmed and live television, radio, stage, and personal appearances. A true and accurate copy of the October 14, 1977 Agreement is attached hereto as Exhibit B.

11           7. In Paragraph 3(a) of the October 14, 1977 Agreement, Victor Willis acknowledged that  
12 he:

shall not have any property or proprietary interests or rights of any nature or kind whatsoever in and to [the Village People] name, and that for all purposes, the ownership of and all rights in and to said name shall be and remain the sole and separate property of [CSP].

8. Victor Willis ceased performing with the Village People in 1982.

17        9. Sixuvus, Ltd. is the owner of a license granted by CSP that allows Sixuvus to use the  
18 Village People name and characters in performances and appearances in the United States and  
19 throughout the world.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on this 21<sup>st</sup> day of December, 2008, in

Paris → France.

Henry Belolo

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